THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24902 of 2006

Dated: 01-12-2006

Between:

K.V.S.S. Sambhu Prasad.

..... PETITIONER

AND

The Senior Accounts Officer (Operation Circle, TRANSCO, Eluru, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24902 of 2006

ORDER:

The petitioner is contributory of M/s A.P. Bagasse Products Limited, Palakol. The said enterprise is an incorporated company. The assets of the company were statedly brought to sale by the Andhra Pradesh State Financial Corporation and the said company became defunct. The said company was in arrears to a tune of Rs.13,41,949/- towards electricity charges. When there was a move to recover the amount from the petitioner, who is also the Managing Director besides he filed W.P.No.17203 of 2000, which was disposed of by this Court on 23-06-2005 directing the Eastern Power Distribution Company Limited (EPDCL) to consider the representation of the petitioner. In obedience thereto the Senior Accounts Officer, Operation Circle, EPDCL, considered the representation dated 30-11-2005 and following the dicta of this Court in an unreported judgment in **K. Taheer Mahi v. General Manager (South), Department of Telecommunications, Hyderabad**[1] rejected the representation calling upon the petitioner to pay the arrears duly informing that failure would entail in disconnection of live service connections of electricity supply given to the petitioner. Aggrieved by this, the present writ petition is filed.

Though the learned counsel for the petitioner made submissions to the effect that the petitioner being a Director is different from the corporate personality of M/s A.P. Bagasse Products Limited and therefore, the liability of the company to pay the arrears of electricity charges cannot be fastened to the petitioner.

The impugned letter was issued by the Senior Accounts Officer (Operation Circle) EPDCL, Eluru. Curiously he is not made a party to this writ petition. The Senior Accounts Officer (Operation Circle) of AP TRANSCO, Eluru, is made a party along with the Superintendent Engineer, AP TRANSCO. There cannot be any denial that AP TRANSCO is altogether an independent entity and every Distributing Company in the State of Andhra Pradesh be it Central, East, North or South are independent incorporated companies and there is no apron string between AP TRANSCO and these Companies. In the absence of public authority, which issued the impugned letter, the writ petition cannot be entertained.

The writ petition is therefore, dismissed. No costs.

(**V.V.S.RAO, J**)

01st December, 2006
Note: Issue CC by 04-12-2006
B/o
ghn

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[1] W.P.No.1056 of 2001 dated 26-07-2006